

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| JACQUES RIVERA,                   | ) |                          |
|                                   | ) | No. 12 C 4428            |
| <i>Plaintiff,</i>                 | ) |                          |
|                                   | ) | Hon. Joan B. Gottschall, |
| v.                                | ) | District Judge           |
|                                   | ) |                          |
| REYNALDO GUEVARA, <i>et al.</i> , | ) | Hon. Mary M. Rowland,    |
|                                   | ) | Magistrate Judge         |
| <i>Defendants.</i>                | ) |                          |
|                                   | ) | JURY TRIAL DEMANDED      |

**PLAINTIFF'S POSITION PAPER ON JURY INSTRUCTIONS**

Plaintiff JACQUES RIVERA, by his attorneys, respectfully submits the following position paper to assist the Court with unresolved jury-instruction issues, stating in support as follows:

1. Defendants' Proposed Instruction No. 30 is withdrawn, and Defendants are considering withdrawing Defendants' Proposed Instructions Nos. 2 and 15, given dismissal of Defendants and evidence that has come in at trial.
2. Plaintiff's Proposed Instruction No. 26 should be edited to remove the bracketed language ("and during discovery in this case").
3. With respect to Plaintiff's Proposed Instruction No. 34, Plaintiff proposes that the second element should be revised to read: "The City of Chicago has a policy of concealing material exculpatory and/or impeachment evidence. The term 'policy' means: . . ." See Doc. No. 543 at 35.
4. With respect to Defendants' Proposed Instruction No. 35, Plaintiff proposes that the second element should be revised to read: "The City of Chicago knew that exculpatory

and/or impeachment information would not be disclosed because there was a pattern of similar violations or because it was highly predictable even without a pattern of similar constitutional violations.” *See Doc. No. 543 at 37.*

5. Plaintiff intends to drop his claim for lost wages in Plaintiff’s Proposed Instruction No. 47 (paragraph 3).

6. Plaintiff is dropping his claim for punitive damages against Defendant McLaughlin.

Respectfully Submitted,

**JACQUES RIVERA**

By: /s/ Jon Loevy  
*One of Plaintiff’s Attorneys*

Arthur Loevy  
Jon Loevy  
Russell Ainsworth  
Anand Swaminathan  
Steven Art  
Rachel Brady  
Sean Starr  
LOEVY & LOEVY  
311 N. Aberdeen St., Third Floor  
Chicago, IL 60607  
(312) 243-5900

Locke E. Bowman  
David Shapiro  
Alexa Van Brunt  
RODERICK MACARTHUR JUSTICE CENTER  
Northwestern University School of Law  
375 E. Chicago Avenue  
Chicago, Illinois 60611  
(312) 503-0844

J. Samuel Tenenbaum  
BLUHM LEGAL CLINIC  
Northwestern University School of Law  
375 E. Chicago Avenue  
Chicago, Illinois 60611  
(312) 503-8576

**CERTIFICATE OF SERVICE**

I, Jon Loevy, an attorney, hereby certify that on June 26, 2018, I filed the foregoing via the Court's CM/ECF system and thereby served a copy on all counsel of record.

/s/ Jon Loevy  
*One of Plaintiff's Attorneys*